UNITED STATES PATENT AND TRADEMARK OFFICE

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09/586,722	06/05/2000	Robert I. G. McLean	C1197-991110	7897

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EXAMINER
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ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 January 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,8-18,21 and 22* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,8-18,21 and 22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January

20, 2005 has been entered.

Claims 1, 4, 5, 10, 11, 14 and 18 have been amended. Claims 6, 7, 19 and 20

have been cancelled. Claims 1-5, 8-18, 21 and 22 are now pending in this application.

Response to Amendment

2.   Applicant's amendments to claims 1, 4, 5, 10, 11, 14 and 18 are sufficient to

overcome the 35 U.S.C. 101 technological arts rejection set forth in the previous Office

Action; therefore, the 35 U.S.C. 101 technological arts rejection is withdrawn.

Additionally, the amendments concerning the authorization level of a user are sufficient

to overcome the 35 U.S.C. 102(e) rejection set forth in the previous Office Action;

therefore, the 35 U.S.C. 102(e) rejection is withdrawn. However, a new 35 U.S.C.

103(a) rejection is established below.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-5, 8-18, 21 and 22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Eder (U.S. 6,321,205) and Wang (U.S. 5,414,844).

As per claim 1, Eder discloses a computer-implemented method of processing

data relating to the performance of a business enterprise in creating value, comprising:

developing a data structure, by use of a computer system, including assumed

variables that have an influence on a value stream of the business enterprise, the

assumed variables in said data structure being arranged in a multi-level hierarchy in

which assumed variables positioned at a lower level in the hierarchy influence one or

more assumed variables positioned at a higher level in the hierarchy (col. 11, lines 15-

63; The "Value of current-operation" is comprised of components revenue, expense and

capital, which are further comprised of sub-components. Thus, the sub-components

influence the components, which influence the value of current-operation.);

determining, by use of a computer system, a first outcome for the value stream of

the business enterprise based upon the assumed variables (col. 12, lines 1-30; The

component values are calculated to determine the operation value.);

authorizing a user to alter one or more of the assumed variables according to a

level of the hierarchy in which the assumed variables are positioned (col. 20, lines 14-

22; col. 21, line 34-col. 22, line 8; Users can alter the variables when performing the calculations.); and

determining a second outcome for the value stream of the business enterprise taking into account the altered assumed variables (col. 6, lines 44-64; col. 23, lines 12-15; The system allows the user to generate changes in the variables when performing the calculations.).

Eder does not expressly disclose authorizing a user to alter one or more of the assumed variables based on a level of authorization of the user and a level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization have access to different levels of assumed variables. Wang discloses establishing access control profiles for each data object (i.e., assumed variables) stored within a data processing system, where the access control profiles provide the identity of a particular user and the authorization level granted to that user for each data object (col. 2, lines 21-32; col. 3, line 66-col. 4, line 8). Wang further discloses that it is well known to permit users access to particular objects by identifying the user and the level of authorization granted to the user for the objects (col. 4, lines 2-8). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art for the system of Eder to incorporate access control of its assumed variables by granting authorization levels to each user for each assumed variable because doing so ensures that only users with the proper permission have access to the variables, thus maintaining the integrity of the data within the system (Wang; col. 3, lines 63-66).

As per claim 2, Eder discloses the method according to claim 1, wherein the first outcome includes a present financial value of the value stream (col. 12, lines 1-30; Revenue, expense and capital are indicative of financial value.).

As per claim 3, Eder discloses the method according to claim 1, wherein the first outcome includes a non-financial metric (col. 19, lines 27-30; Figure 5B; The first outcome can also include non-financial data.).

As per claim 4, Eder discloses the method according to claim 1, further comprising:

authorizing each of a plurality of users to alter the assumed variables according to a level of the hierarchy in which the assumed variables are positioned (abstract; col. 20, lines 14-22; col. 21, line 34-col. 22, line 8; Figure 5A; Users can alter the variables when performing the calculations.);

storing, for each altered assumed variable, an identification of the user who made the alteration (col. 6, lines 44-64; col. 8, lines 1-30; col. 9, line 53-col. 10, line 1; col. 10, lines 6-18; Figures 4, 5A, 5B and 16; Users can track the changes they make in the system over time. User input is also stored in databases.); and

determining alternate outcomes for the value stream of the business enterprise taking into account selected aggregations of the altered assumed variables wherein the selected aggregations are formed according to the stored identifications (col. 6, lines 44-64; col. 20, lines 18-22; Figure 1; The system determines alternate outcomes based on the altered data.).

Eder does not expressly disclose authorizing each of a plurality of users to alter

the assumed variables based on a level of authorization of each of the users and a level

of the hierarchy in which the assumed variables are positioned, wherein different levels

of authorization have access to different levels of assumed variables. Wang discloses

establishing access control profiles for each data object (i.e., assumed variables) stored

within a data processing system, where the access control profiles provide the identity

of a particular user and the authorization level granted to that user for each data object

(col. 2, lines 21-32; col. 3, line 66-col. 4, line 8). Wang further discloses that it is well

known to permit users access to particular objects by identifying the user and the level

of authorization granted to the user for the objects (col. 4, lines 2-8). Therefore, at the

time of the invention it would have been obvious to a person of ordinary skill in the art

for the system of Eder to incorporate access control of its assumed variables by

granting authorization levels to each user for each assumed variable because doing so

ensures that only users with the proper permission have access to the variables, thus

maintaining the integrity of the data within the system (Wang; col. 3, lines 63-66).

As per claims 5 and 18, Eder discloses a computer-implemented method of

processing data relating to the performance of a business enterprise in creating value,

comprising:

developing a data structure, by use of a computer system, including a plurality of

assumed variables that have an influence on a value stream of the business enterprise,

wherein the assumed variables are arranged in a multi-level hierarchy in which

assumed variables positioned at a lower level in the hierarchy influence one or more

assumed variables positioned at a higher level in the hierarchy, the data structure

having a portion which defines a base case scenario for the business enterprise (col.

11, lines 15-63; The "Value of current-operation" is comprised of components revenue,

expense and capital, which are further comprised of sub-components. Thus, the sub-

components influence the components, which influence the value of current-operation.);

determining, by use of a computer, an outcome for the value stream of the

business enterprise based upon the assumed variables of the base case scenario (col.

12, lines 1-30; The component values are calculated to determine the operation value.);

storing each altered assumed variable in the data structure in association with an

identifier of the user who made the alteration, and maintaining the assumed variables of

the base case scenario unchanged by the plurality of users (col. 6, lines 44-64; col. 8,

lines 1-30; col. 9, line 53-col. 10, line 1; col. 10, lines 6-18; Figures 4, 5A, 5B and 16;

Users can track the changes they make in the system over time. User input is also

stored in databases.);

aggregating selected ones of the altered assumed variables and selected ones of

the assumed variables of the base case scenario in accordance with the stored

identifiers to form one or more alternate scenarios (col. 11, lines 36-52; Resulting values

can be added together to form alternate scenarios.); and

determining, by use of the computer system, an outcome for the value stream of

the business enterprise based upon each of the alternate scenarios (col. 6, lines 44-64;

col. 20, lines 18-22; Figure 1; The system determines alternate outcomes based on the

altered data.).

Eder does not expressly disclose authorizing a plurality of users to alter one or

more of the assumed variables based on a level of authorization of each user and a

level of the hierarchy in which the assumed variables are positioned, wherein different

levels of authorization have access to different levels of assumed variables. Wang

discloses establishing access control profiles for each data object (i.e., assumed

variables) stored within a data processing system, where the access control profiles

provide the identity of a particular user and the authorization level granted to that user

for each data object (col. 2, lines 21-32; col. 3, line 66-col. 4, line 8). Wang further

discloses that it is well known to permit users access to particular objects by identifying

the user and the level of authorization granted to the user for the objects (col. 4, lines 2-

8). Therefore, at the time of the invention it would have been obvious to a person of

ordinary skill in the art for the system of Eder to incorporate access control of its

assumed variables by granting authorization levels to each user for each assumed

variable because doing so ensures that only users with the proper permission have

access to the variables, thus maintaining the integrity of the data within the system

(Wang; col. 3, lines 63-66).

As per claims 8 and 21, Eder discloses the method according to claims 5 and 18,

wherein the outcome of the base case scenario includes a present financial value of the

value stream (col. 12, lines 1-30; Revenue, expense and capital are indicative of

financial value.).

As per claim 9, Eder discloses the method according to claim 8, wherein the outcome of the base case scenario includes a non-financial metric (col. 19, lines 27-30; Figure 5B; The first outcome can also include non-financial data.).

As per claim 10, Eder discloses a computer-implemented method of processing data relating to the performance of a business enterprise in creating value, comprising:

developing a data structure, by use of a computer system, including a plurality of assumed variables that have an influence on a value stream of the business enterprise, the data structure having a portion which defines a base case scenario for the business enterprise (col. 11, lines 15-63; The "Value of current-operation" is comprised of components revenue, expense and capital, which are further comprised of sub-components. Thus, the sub-components influence the components, which influence the value of current-operation.);

determining, by use of a computer system, an outcome for the value stream of the business enterprise based upon the assumed variables of the base case scenario (col. 12, lines 1-30; The component values are calculated to determine the operation value.);

providing real-time feedback, by each of a plurality of users, on the value creation performance of the business enterprise (col. 20, lines 14-22; col. 21, line 34-col. 22, line 8; Users can alter the variables when performing the calculations.);

storing the real-time feedback in the data structure in association with an identifier of the user who provided each portion of the feedback, and maintaining the assumed variables of the base case scenario unchanged by the plurality of users (col.

6, lines 44-64; col. 8, lines 1-30; col. 9, line 53-col. 10, line 1; col. 10, lines 6-18; Figures 4, 5A, 5B and 16; Users can track the changes they make in the system over time. User input is also stored in databases.);

aggregating selected ones of the portions of the feedback and selected ones of the assumed variables of the base case scenario (col. 11, lines 36-52; Resulting values can be added together to form alternate scenarios.);

determining, by use of a computer system, an outcome for the value stream of the business enterprise based upon the selected ones of the portions of the feedback and the selected ones of the assumed variables of the base case scenario (col. 6, lines 44-64; col. 20, lines 18-22; Figure 1; The system determines alternate outcomes based on the altered data.).

Eder does not expressly disclose selectively authorizing a plurality of users to provide real-time feedback on the value creation performance of the business enterprise based on a level of authorization of each user, wherein only certain levels of authorization are permitted to provide real-time feeback. Wang discloses establishing access control profiles for each data object (i.e., assumed variables) stored within a data processing system, where the access control profiles provide the identity of a particular user and the authorization level granted to that user for each data object (col. 2, lines 21-32; col. 3, line 66-col. 4, line 8). Wang further discloses that it is well known to permit users access to particular objects by identifying the user and the level of authorization granted to the user for the objects (col. 4, lines 2-8). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art

for the system of Eder to incorporate access control of its assumed variables by

granting authorization levels to each user for each assumed variable because doing so

ensures that only users with the proper permission have access to the variables, thus

maintaining the integrity of the data within the system (Wang; col. 3, lines 63-66).

As per claim 11, Eder discloses the method according to claim 10, wherein the

assumed variables are arranged in a multi-level hierarchy in which assumed variables

positioned at a lower level in the hierarchy influence one or more assumed variables

positioned at a higher level in the hierarchy (col. 11, lines 15-63; The "Value of current-

operation" is comprised of components revenue, expense and capital, which are further

comprised of sub-components. Thus, the sub-components influence the components,

which influence the value of current-operation.).

Eder does not expressly disclose authorizing a plurality of users to alter one or

more of the assumed variables based on a level of authorization of each user and a

level of the hierarchy in which the assumed variables are positioned, wherein different

levels of authorization have access to different levels of assumed variables. Wang

discloses establishing access control profiles for each data object (i.e., assumed

variables) stored within a data processing system, where the access control profiles

provide the identity of a particular user and the authorization level granted to that user

for each data object (col. 2, lines 21-32; col. 3, line 66-col. 4, line 8). Wang further

discloses that it is well known to permit users access to particular objects by identifying

the user and the level of authorization granted to the user for the objects (col. 4, lines 2-

8). Therefore, at the time of the invention it would have been obvious to a person of

ordinary skill in the art for the system of Eder to incorporate access control of its

assumed variables by granting authorization levels to each user for each assumed

variable because doing so ensures that only users with the proper permission have

access to the variables, thus maintaining the integrity of the data within the system

(Wang; col. 3, lines 63-66).

As per claim 12, Eder discloses the method according to claim 10, wherein the

outcome of the base case scenario includes a present financial value of the value

stream (col. 12, lines 1-30; Revenue, expense and capital are indicative of financial

value.).

As per claim 13, Eder discloses the method according to claim 10, wherein the

outcome of the base case scenario includes a non-financial metric (col. 19, lines 27-30;

Figure 5B; The first outcome can also include non-financial data.).

As per claim 14, Eder discloses a system for processing data relating to the

performance of a business enterprise in creating value, comprising:

a memory device for storing a data structure including assumed variables that

have an influence on a value stream of the business enterprise, the assumed variables

in said data structure being arranged in a multi-level hierarchy in which assumed

variables positioned at a lower level in the hierarchy influence one or more assumed

variables positioned at a higher level in the hierarchy (col. 11, lines 15-63; The "Value of

current-operation" is comprised of components revenue, expense and capital, which are

further comprised of sub-components. Thus, the sub-components influence the

components, which influence the value of current-operation.);

means for authorizing a user to alter one or more of the assumed variables according to a level of the hierarchy in which the assumed variables are positioned (col. 20, lines 14-22; col. 21, line 34-col. 22, line 8; Users can alter the variables when performing the calculations.);

a filter for selecting certain ones of the assumed variables and for selecting certain ones of the altered assumed variables (col. 12, lines 44-67; col. 16, lines 24-27; Figures 5A and 5B; The system selects certain variables for analysis and based on certain criteria may prompt the user for additional or altered data.); and

a calculation engine for receiving the certain ones of the assumed variables and the certain ones of the altered assumed variables from the filter and for determining an outcome for the financial value stream of the business enterprise based upon the certain ones of the assumed variables and the certain ones of the altered assumed variables (col. 6, lines 44-64; col. 23, lines 12-24; The system calculates the received variables and compares them with previously specified variables.).

Eder does not expressly disclose authorizing a user to alter one or more of the assumed variables based on a level of authorization of the user and a level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization have access to different levels of assumed variables. Wang discloses establishing access control profiles for each data object (i.e., assumed variables) stored within a data processing system, where the access control profiles provide the identity of a particular user and the authorization level granted to that user for each data object (col. 2, lines 21-32; col. 3, line 66-col. 4, line 8). Wang further discloses that it is well

known to permit users access to particular objects by identifying the user and the level

of authorization granted to the user for the objects (col. 4, lines 2-8). Therefore, at the

time of the invention it would have been obvious to a person of ordinary skill in the art

for the system of Eder to incorporate access control of its assumed variables by

granting authorization levels to each user for each assumed variable because doing so

ensures that only users with the proper permission have access to the variables, thus

maintaining the integrity of the data within the system (Wang; col. 3, lines 63-66).

As per claim 15, Eder discloses the system according to claim 14, wherein the

outcome of the base case scenario includes a present financial value of the value

stream (col. 12, lines 1-30; Revenue, expense and capital are indicative of financial

value.).

As per claim 16, Eder discloses the system according to claim 14, wherein the

outcome of the base case scenario includes a non-financial metric (col. 19, lines 27-30;

Figure 5B; The first outcome can also include non-financial data.).

As per claim 17, Eder discloses the system according to claim 14, further

comprising:

means for authorizing each of a plurality of users to alter the assumed variables

according to a level of the hierarchy in which the assumed variables are positioned,

wherein for each altered assumed variable, an identification of the user who made the

alteration is stored in the data structure (abstract; col. 20, lines 14-22; col. 21, line 34-

col. 22, line 8; Figure 5A; Users can alter the variables when performing the

calculations.);

means for determining alternate outcomes for the value stream of the business

enterprise taking into account selected aggregations of the altered assumed variables

wherein the selected aggregations are formed according to the stored identifications

(col. 6, lines 44-64; col. 8, lines 1-30; col. 9, line 53-col. 10, line 1; col. 10, lines 6-18;

col. 20, lines 18-22; Figure 1, 4, 5A, 5B and 16; The system determines alternate

outcomes based on the altered data. Users can track the changes they make in the

system over time. User input is also stored in databases.).

As per claim 22, Eder discloses the method according to claim 18, wherein the

outcome of the base case scenario includes a non-financial metric (col. 19, lines 27-30;

Figure 5B; The first outcome can also include non-financial data.).

Response to Arguments

5.   Applicant's arguments with regard to Eder not teaching the new amendments

concerning the authorization level of a user are moot in view of the new grounds of

rejection. Additionally, the arguments incorporated by reference on page 8 of the

Remarks have been previously addressed in the Office Action mailed on September 20,

2004.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

- Blakely, III et al. (U.S. 5,838,903) discusses password servers in a shared

    resource environment; and

- Vandersluis (U.S. 6,356,920) discusses a dynamic, hierarchical data system.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to C. Michelle Tarae (formerly, C. Michelle Colon) whose

telephone number is 703-605-4251. The examiner can normally be reached Monday –

Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz, can be reached at 703-305-9643.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-308-

1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

703-872-9306   [Official Communications; including After Final

communications labeled "Box AF"]

703-746-7202   [For status inquiries, draft communication, labeled

"Proposed" or "Draft"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal

Drive, Arlington, VA 7th floor receptionist.

cmc
March 29, 2005

TARIQ R. HAFIZ
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